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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,316

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Kerry T. Ward

SC 089

4608

7590

10/19/2006

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EXAMINER

KOHNER, MATTHEW J

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,316

Applicant(s)

WARD ET AL.

Examiner

Matthew J. Kohner

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites the limitation "a second layer of screening material" (emphasis added) in line 32. However, a second layer of screening material was previously described in line 20. It is unclear whether this is the same element.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 35-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,988,397 to Adams et al. (*hereinafter* "Adams") in view of US Patent No. 5,240,479 to Bachinski (*hereinafter* "Bachinski").

In regard to claims 35, 40 and 41, Adams discloses a method for making a screen assembly for a vibratory separator, the method comprising:

- making a frame support (col. 8, line 6 discloses a perforated plate which does support the screen assembly) for a screen assembly for a vibratory separator,
- moving with mechanical movement apparatus the frame support to cleaning apparatus,
- cleaning the frame support with the cleaning apparatus (col. 8, lines 17-18, discloses sand-blasting the plate)
- moving with mechanical movement apparatus the frame support to heating apparatus,
- heating the frame support with the heating apparatus (col. 8, line 19 discloses heating the plate)
- moving the heated frame support to coating apparatus with the mechanical movement apparatus,
- coating the frame support in the coating apparatus with protective material (col. 8, lines 21-25 disclose coating the plate with epoxy),
- moving the frame support away from the coating apparatus with the mechanical movement apparatus,
- allowing the coated frame support to cool so that the protective material sets, and
- combining screening material (col. 8, lines 30-35 disclose attaching screen material to the plate; further col. 7, line 34-36 discloses any known meshes are suitable) with the frame support
- connecting a grid to the frame support wherein the grid includes a coarse mesh (col. 8, line 31) and a support strip (col. 7, line 63).

Adams does not specifically disclose how the screening material layers are combined. However, it is known in the adhesive bonding art to use different glue patterns for combining

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layers of material. Bachinski discloses placing a first layer below a glue application apparatus for applying heated initially flowable hot melt glue, applying an amount of heated hot melt glue in a pattern to the top surface of the first layer, positioning a second layer of adjacent and in contact with the first layer, gluing together the first layer and the second layer wherein the pattern of applied glue is different than the first mesh pattern (col. 9, lines 33 – col. 10, line 43). It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have combined the screen layers by using the glue patterns taught by Bachinski, since he different glue patterns provide added strength (Bachinski col. 10, lines 1-19).

Further, while Adams does not specifically disclose moving the screens between stations, it is inherent that the screen would have to be transferred from one station to the next station during the different phases of processing. However, even if Applicant disagrees that the movement of the screen is inherent, it would, at least, have been obvious to one of ordinary skill in the art at the time the invention was made that the screen would have to be transferred from one station to the next station. Further, it would be obvious to one of ordinary skill in the art that at least some mechanical means would have to aid in moving the screen, considering the screen is heated to 450 degrees Fahrenheit and transferred to be coated with epoxy before cooling, in addition to the frame being cleaned with cleaning solution or sandblasting.

In regard to claim 36, see col. 8, line 22.

In regard to claim 37, see col. 8, lines 6.

In regard to claim 38, Adams discloses a plate instead of tabular members, however, the process of making, cleaning, heating, coating, adding the layers of screening, etc. would be the same regardless the shape of the frame.

In regard to claim 39, Adams discloses a perforated plate. However, Adams does not disclose how the plate is perforated. However, it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routing skill in the art. *In re Venner*, 120 USPQ 192.

In regard to claims 42 and 44, see col. 1, lines 10-18 which discloses a vibratory apparatus.

In regard to claims 43 and 45, see col. 2, line 34 which discloses screening drilling mud.

Response to Arguments

Applicant's arguments filed Aug. 7, 2006 have been fully considered but they are not persuasive. Applicant has argued that Bachinski has no teaching or suggestion regarding applying glue in a pattern different from a pattern of a layer of screening material (applicant's remarks, page 6). Examiner disagrees. Bachinski does disclose different glue patterns, see e.g. Figs. 7 and 8 and the above citations.

Applicant has further argued that the mesh size opening now specified in the claims would not work in the filter of Bachinski. However, Bachinski is only used as a teaching reference for the glue patterns. Adams already discloses the mesh size.

Applicant has further argued that subjecting Bachinski to vibration in a shale shaker would destroy Bachinski. Again, Bachinski is only used as a teaching reference for the glue patterns. Adams already discloses the vibratory separator.

Applicant has further argued that it would not have been obvious to one of ordinary skill in the art that a screen would be transferred by mechanical means. Applicant argues that a

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person with protective gloves, gear and clothing could move the screen. Examiner is not persuaded. First, the protective gear would be considered mechanical means. Secondly, claim 35; states coating the frame with epoxy and then moving it. It would be obvious to move the screen with mechanical means, as opposed to a person with gloves, simply to avoid removing or damaging the just applied epoxy.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

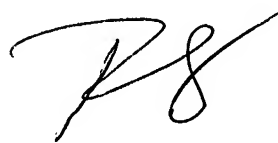
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J. Kohner
Examiner
Art Unit 3653

mjk

A handwritten signature in black ink, appearing to be 'PM' or 'P8' with a stylized flourish.

PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600